

Arnold & Porter

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January 17, 2025

BY ECF

The Honorable John G. Koeltl
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

**APPLICATION GRANTED
SO ORDERED**

1/20/25 
John G. Koeltl, U.S.D.J.

Re: In re: Visa Debit Card Antitrust Litigation, 1:24-cv-07435-JGK –
Joint Request re Rule II.B. Pre-Motion Conference

Dear Judge Koeltl:

On behalf of defendant Visa Inc. (“Visa”) we respectfully submit this joint request by the parties to waive the premotion conference requirement under your Individual Rule II.B for Visa’s forthcoming motions to dismiss the merchants consolidated amended complaint (ECF No. 38) and cardholder consolidated amended complaint (ECF No. 53). In a status conference held in *United States v. Visa Inc.*, 1:24-cv-07214, on November 12, 2024, Your Honor explained that “the reason for pre-motion letters for a motion to dismiss . . . is for the moving party to explain the reasons for the motion and to allow [Your Honor] to express any thoughts about the motion – in some cases, the motion might be withdrawn or not made – and to give the plaintiff an opportunity to file an amended complaint to attempt to moot the motion.” Tr. at 2. Your Honor dispensed with such letters for Visa’s then-forthcoming motion to dismiss the government’s complaint because Your Honor perceived that the Court was unlikely to discourage Visa from making its motion, and the government was unlikely to amend its complaint. *Id.* The parties agreed with the Court’s assessment.

While the parties to these private actions remain available at the Court’s convenience to schedule a premotion conference in this private litigation should the Court wish to hold such a conference, they submit that the same reasons that the Court dispensed with premotion letters in the related government litigation apply equally here. That is, Visa is unlikely to be discouraged from making its motion and private plaintiffs do not intend to amend their complaints upon receiving Visa’s motion. Accordingly, for the convenience of the Court and parties, the parties’ jointly request permission to proceed directly to motion practice and waive the premotion letters and conference requirement under Rule II.B. of Your Honor’s Individual Practices.

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This request does not affect the Initial Case Conference scheduled for January 28, 2025 at 2:30pm.

Thank you for considering this request.

Respectfully Submitted,

/s/ Anne P. Davis

Anne P. Davis

Copies to all counsel of record by ECF